

Executive Summary – Enforcement Matter – Case No. 52110
E. I. du Pont de Nemours and Company
RN100542711
Docket No. 2016-0464-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Dupont Sabine River Works, 3055 Farm-to-Market Road 1006, Orange, Orange County

Type of Operation:

Chemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 12, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,938

Amount Deferred for Expedited Settlement: \$1,587

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$3,176

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$3,175

Name of SEP: Southeast Texas Regional Planning Commission (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 8, 2016

Date(s) of NOE(s): March 2, 2016

Executive Summary – Enforcement Matter – Case No. 52110
E. I. du Pont de Nemours and Company
RN100542711
Docket No. 2016-0464-AIR-E

Violation Information

1. Failed to submit an initial notification for Incident No. 224250 no later than 24 hours after the discovery of the emissions event. Specifically, the initial notification was due by December 9, 2015 at 3:20 p.m., but was not submitted until December 11, 2015 at 2:59 p.m. [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. O2074, Special Terms and Conditions ("STC") No. 2F].
2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 33 pounds of benzene from the American Petroleum Institute ("API") Separator Vent System during an emissions event (Incident No. 224250) that began on December 8, 2015 and lasted for 22 hours and two minutes. The event occurred when the flow through the vent lines from the API Separator to the control devices was restricted. Since the emissions event was reported late, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review Permit No. 914, Special Conditions No. 1, and FOP No. O2074, STC No. 13].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On December 11, 2015, reviewed the Plant's Environmental Reporting Procedure with appropriate personnel to ensure staff are aware of the 24-hour reporting window for reportable emissions events; and
- b. On May 12, 2016, implemented a scheduled maintenance program in order to prevent a recurrence of emissions events due to the same cause as Incident No. 224250.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 52110
E. I. du Pont de Nemours and Company
RN100542711
Docket No. 2016-0464-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Tiffany Maurer, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-2696; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565

Respondent: Janet Schepcoff, Site Manager, E. I. du Pont de Nemours and Company,
3055 Farm-to-Market Road 1006, Orange, Texas 77630

Respondent's Attorney: N/A

Attachment A
Docket Number: 2016-0464-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E. I. du Pont de Nemours and Company
Payable Penalty Amount:	\$6,351
SEP Offset Amount:	\$3,175
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	Meteorological and Air Monitoring Network
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Meteorological and Air Monitoring Network* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network that includes nine compliance assurance monitoring (“CAM”) stations currently at the following locations:

- Beaumont CAM#2
- Cove School CAM #C695
- Mauriceville CAM#642
- Port Arthur (Motiva) Industrial Site CAM #C628
- Port Arthur Memorial High School campus CAM #C689
- Port Neches CAM #136
- Sabine Pass CAM #C640
- Southeast Texas Regional Airport CAM #C643
- West Orange CAM #C9

E. I. du Pont de Nemours and Company
Agreed Order - Attachment A

Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Particulate matter, sulfides, oxides of nitrogen, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

E. I. du Pont de Nemours and Company
Agreed Order - Attachment A

Southeast Texas Regional Planning Commission
Attention: Bob Dickinson, Director
2210 Eastex Freeway
Beaumont, Texas 77703-4929

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	7-Mar-2016	Screening	31-Mar-2016	EPA Due	
	PCW	25-May-2016				

RESPONDENT/FACILITY INFORMATION

Respondent	E. I. du Pont de Nemours and Company		
Reg. Ent. Ref. No.	RN100542711		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	52110	No. of Violations	2
Docket No.	2016-0464-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Tiffany Maurer
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$4,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **100.0%** **Adjustment** **Subtotals 2, 3, & 7** **\$4,000**

Notes: Enhancement for four orders containing a denial of liability, three orders without a denial of liability, five NOV's with same or similar violations, and five NOV's with dissimilar violations.

Culpability **No** **0.0%** **Enhancement** **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$62**

Economic Benefit **0.0%** **Enhancement*** **Subtotal 6** **\$0**

Total EB Amounts \$107
Estimated Cost of Compliance \$6,500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$7,938**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$7,938**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$7,938**

DEFERRAL **20.0%** **Reduction** **Adjustment** **-\$1,587**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$6,351**

Screening Date 31-Mar-2016

Docket No. 2016-0464-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 4 (April 2014)

Case ID No. 52110

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Tiffany Maurer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 190%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four orders containing a denial of liability, three orders without a denial of liability, five NOVs with same or similar violations, and five NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 190%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 31-Mar-2016

Docket No. 2016-0464-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 4 (April 2014)

Case ID No. 52110

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Tiffany Maurer

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. O2074, Special Terms and Conditions ("STC") No. 2F

Violation Description

Failed to submit an initial notification for Incident No. 224250 no later than 24 hours after the discovery of the emissions event. Specifically, the initial notification was due by December 9, 2015 at 3:20 p.m., but was not submitted until December 11, 2015 at 2:59 p.m.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

2 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$62

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes

The Respondent achieved compliance on December 11, 2015, prior to the Notice of Enforcement dated March 20, 2016.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$438

This violation Final Assessed Penalty (adjusted for limits) \$438

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
 Case ID No. 52110
 Reg. Ent. Reference No. RN100542711
 Media Air
 Violation No. 1

Percent Interest 5.0
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
 Item Description

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	9-Dec-2015	11-Dec-2015	0.01	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to review Plant's Environmental Reporting Procedure with appropriate personnel to ensure staff are aware of the 24-hour reporting window for reportable emissions events. The date required is the date the notification was due and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/Equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$0

Screening Date 31-Mar-2016

Docket No. 2016-0464-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 4 (April 2014)

Case ID No. 52110

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Tiffany Maurer

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review Permit No. 914, Special Conditions No. 1, and FOP No. O2074, STC No. 13

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 33 pounds of benzene from the American Petroleum Institute ("API") Separator Vent System during an emissions event (Incident No. 224250) that began on December 8, 2015 and lasted for 22 hours and two minutes. The event occurred when the flow through the vent lines from the API Separator to the control devices was restricted. Since the emissions event was reported late, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Estimated EB Amount \$107

Statutory Limit Test

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 52110
Reg. Ent. Reference No. RN100542711
Media Air
Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	8-Dec-2015	12-May-2016	0.43	\$107	n/a	\$107

Notes for DELAYED costs

Estimated cost to implement a scheduled maintenance program in order to prevent a recurrence of emissions events due to the same cause as Incident No. 224250. The date required is the date of the emissions event and the final date is the date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$107

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600128284, RN100542711, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator:	CN600128284, E. I. du Pont de Nemours and Company	Classification:	SATISFACTORY	Rating:	8.33
Regulated Entity:	RN100542711, DUPONT SABINE RIVER WORKS	Classification:	SATISFACTORY	Rating:	11.01
Complexity Points:	48	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	3055 FM ROAD 1006 ORANGE, TX 77630-8045, ORANGE COUNTY				
TCEQ Region:	REGION 10 - BEAUMONT				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER OC0007J
AIR OPERATING PERMITS PERMIT 1896
AIR OPERATING PERMITS PERMIT 1898
AIR OPERATING PERMITS PERMIT 1900
AIR OPERATING PERMITS PERMIT 1996
AIR OPERATING PERMITS PERMIT 2055
AIR OPERATING PERMITS PERMIT 2331

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008079642
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50230
AIR NEW SOURCE PERMITS PERMIT 9629
AIR NEW SOURCE PERMITS REGISTRATION 914A
AIR NEW SOURCE PERMITS REGISTRATION 1423A
AIR NEW SOURCE PERMITS REGISTRATION 1423C
AIR NEW SOURCE PERMITS REGISTRATION 2116
AIR NEW SOURCE PERMITS REGISTRATION 5745
AIR NEW SOURCE PERMITS PERMIT 9176
AIR NEW SOURCE PERMITS REGISTRATION 11434
AIR NEW SOURCE PERMITS REGISTRATION 16327
AIR NEW SOURCE PERMITS PERMIT 20204
AIR NEW SOURCE PERMITS REGISTRATION 22977
AIR NEW SOURCE PERMITS REGISTRATION 24252
AIR NEW SOURCE PERMITS REGISTRATION 26158
AIR NEW SOURCE PERMITS REGISTRATION 26410
AIR NEW SOURCE PERMITS REGISTRATION 32733
AIR NEW SOURCE PERMITS REGISTRATION 37488
AIR NEW SOURCE PERMITS REGISTRATION 42054
AIR NEW SOURCE PERMITS REGISTRATION 46790
AIR NEW SOURCE PERMITS ACCOUNT NUMBER OC0007J
AIR NEW SOURCE PERMITS PERMIT 49076
AIR NEW SOURCE PERMITS REGISTRATION 70647
AIR NEW SOURCE PERMITS REGISTRATION 71054
AIR NEW SOURCE PERMITS REGISTRATION 56781
AIR NEW SOURCE PERMITS REGISTRATION 71829
AIR NEW SOURCE PERMITS REGISTRATION 53572
AIR NEW SOURCE PERMITS REGISTRATION 73921
AIR NEW SOURCE PERMITS REGISTRATION 73779
AIR NEW SOURCE PERMITS REGISTRATION 76955

AIR OPERATING PERMITS PERMIT 1895
AIR OPERATING PERMITS PERMIT 1897
AIR OPERATING PERMITS PERMIT 1899
AIR OPERATING PERMITS PERMIT 1901
AIR OPERATING PERMITS PERMIT 2001
AIR OPERATING PERMITS PERMIT 2074
POLLUTION PREVENTION PLANNING ID NUMBER P00193
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30019
AIR NEW SOURCE PERMITS REGISTRATION 72030
AIR NEW SOURCE PERMITS PERMIT 914
AIR NEW SOURCE PERMITS REGISTRATION 1423
AIR NEW SOURCE PERMITS REGISTRATION 1423B
AIR NEW SOURCE PERMITS REGISTRATION 2004
AIR NEW SOURCE PERMITS REGISTRATION 2490
AIR NEW SOURCE PERMITS REGISTRATION 7021
AIR NEW SOURCE PERMITS REGISTRATION 10447
AIR NEW SOURCE PERMITS REGISTRATION 12967
AIR NEW SOURCE PERMITS PERMIT 17157
AIR NEW SOURCE PERMITS PERMIT 21236
AIR NEW SOURCE PERMITS REGISTRATION 23646
AIR NEW SOURCE PERMITS REGISTRATION 25167
AIR NEW SOURCE PERMITS REGISTRATION 26325
AIR NEW SOURCE PERMITS REGISTRATION 28148
AIR NEW SOURCE PERMITS REGISTRATION 36046
AIR NEW SOURCE PERMITS REGISTRATION 41263
AIR NEW SOURCE PERMITS REGISTRATION 44528
AIR NEW SOURCE PERMITS REGISTRATION 47671
AIR NEW SOURCE PERMITS REGISTRATION 75999
AIR NEW SOURCE PERMITS AFS NUM 4836100002
AIR NEW SOURCE PERMITS REGISTRATION 70650
AIR NEW SOURCE PERMITS REGISTRATION 71338
AIR NEW SOURCE PERMITS REGISTRATION 53324
AIR NEW SOURCE PERMITS REGISTRATION 72443
AIR NEW SOURCE PERMITS REGISTRATION 56055
AIR NEW SOURCE PERMITS REGISTRATION 109695
AIR NEW SOURCE PERMITS REGISTRATION 76581
AIR NEW SOURCE PERMITS REGISTRATION 76580

AIR NEW SOURCE PERMITS REGISTRATION 119406
AIR NEW SOURCE PERMITS REGISTRATION 121405
AIR NEW SOURCE PERMITS REGISTRATION 115226
AIR NEW SOURCE PERMITS REGISTRATION 124513
AIR NEW SOURCE PERMITS REGISTRATION 136608
AIR NEW SOURCE PERMITS REGISTRATION 129905
AIR NEW SOURCE PERMITS REGISTRATION 107580
AIR NEW SOURCE PERMITS REGISTRATION 123837
AIR NEW SOURCE PERMITS REGISTRATION 111631
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1810114
WATER RIGHTS ID NUMBER 4664
WASTEWATER PERMIT WQ0000475000
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30019

AIR NEW SOURCE PERMITS REGISTRATION 136327
AIR NEW SOURCE PERMITS REGISTRATION 134473
AIR NEW SOURCE PERMITS REGISTRATION 115102
AIR NEW SOURCE PERMITS REGISTRATION 133737
AIR NEW SOURCE PERMITS REGISTRATION 121853
AIR NEW SOURCE PERMITS REGISTRATION 136803
AIR NEW SOURCE PERMITS REGISTRATION 133042
AIR NEW SOURCE PERMITS REGISTRATION 115609
AIR NEW SOURCE PERMITS REGISTRATION 108092
STORMWATER PERMIT TXR05L392
WATER RIGHTS ID NUMBER ADJ 4664
WASTEWATER EPA ID TX0006327
AIR EMISSIONS INVENTORY ACCOUNT NUMBER OC0007J

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: March 22, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 22, 2011 to March 22, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Tiffany Maurer

Phone: (512) 239-2696

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 08/13/2011 ADMINORDER 2011-0208-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: SC 1 PERMIT
SC 1A OP
Description: Failure to maintain an emission rate below the allowable emission limits for Incident 146789.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)
Description: Failure to satisfy the final reporting requirements for a reportable emissions event for Incident 145301.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: SC 1 PERMIT
SC 1A OP
Description: Failure to maintain an emission rate below the allowable emission limit for Incident 145301.
- 2 Effective Date: 05/25/2012 ADMINORDER 2011-1732-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)
5C THSC Chapter 382 382.085(b)
Description: Failed to timely submit the final record for a maintenance activity (Incident No. 155487). Specifically, the maintenance activity began on June 10, 2011 and ended on June 11, 2011, and the final record was submitted on July 19,

2011, more than two weeks after the end of the maintenance activity

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT

SC 1A OP

Description: Failed to prevent unauthorized emissions during a maintenance activity (Incident No. 155487). Specifically, during a scheduled maintenance activity that began on June 10, 2011, and lasted approximately 16 hours and 20 minutes, the Respondent released approximately 4,024.75 pounds ("lbs") of volatile organic compounds and 4,958.96 lbs of particulate matter from the Regenerative Thermal Oxidizer's Baghouse Vent [Emission Point No. PL-10] located in the D Unit.

- 3 Effective Date: 04/07/2013 ADMINORDER 2012-1198-IWD-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
- 4 Effective Date: 04/27/2013 ADMINORDER 2012-0624-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SC 1 PERMIT
SC 8 OP
Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SC 1 PERMIT
SC 8 OP
Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SC 1 PERMIT
SC 8 OP
Description: Failed to prevent unauthorized emissions.
- 5 Effective Date: 06/03/2013 ADMINORDER 2012-2344-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: SC 1 PERMIT
SC 11 OP
Description: Failure to maintain an emission rate below the allowable emission limits for Incident 169473.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT
SC 11 OP

Description: Failure to maintain an emission rate below the allowable emission limits for Incident 172088.

- 6 Effective Date: 12/19/2014 ADMINORDER 2014-0377-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 12 OP
Description: failed to prevent unauthorized emissions. Specifically, the Respondent released 14,435 pounds ("lbs") of gaseous ethylene, 1,222 lbs of propane, and 371 lbs of methacrylic acid from the Dump Valve Stacks, Emission Point Number PLUM-G, during an emissions event (Incident No. 190675) that occurred on November 12, 2013 and lasted 11 minutes. This event occurred when the sealing edge of the cone joint was not properly sealed and a torque wrench with a torque specification of 75 foot pounds was
- 7 Effective Date: 07/17/2015 ADMINORDER 2014-0868-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Special Condition 8 OP
The General Terms and Conditions OP
Description: Failed to prevent unauthorized emissions. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Special Condition 8 PERMIT
The General Terms and Conditions OP
Description: Failed to prevent unauthorized emissions. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 8 OP
Description: Failed to prevent unauthorized emissions. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT

Special Condition 11 PERMIT

Description: Failed to prevent unauthorized emissions. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code §

101.222.

B. Criminal convictions: N/A

C. Chronic excessive emissions events: N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	April 11, 2011	(924832)
Item 2	April 18, 2011	(912901)
Item 3	May 11, 2011	(912705)
Item 4	May 18, 2011	(938043)
Item 5	May 31, 2011	(915887)
Item 6	June 14, 2011	(945411)
Item 7	July 13, 2011	(952639)
Item 8	July 19, 2011	(922140)
Item 9	August 16, 2011	(959321)
Item 10	September 16, 2011	(965354)
Item 11	September 22, 2011	(956748)
Item 12	October 17, 2011	(971394)
Item 13	October 26, 2011	(962475)
Item 14	November 17, 2011	(977553)
Item 15	November 29, 2011	(958427)
Item 16	December 13, 2011	(984321)
Item 17	January 31, 2012	(981940)
Item 18	February 19, 2012	(987680)
Item 19	May 25, 2012	(1006347)
Item 20	June 15, 2012	(1013697)
Item 21	June 23, 2012	(1024186)
Item 22	July 06, 2012	(1014731)
Item 23	August 22, 2012	(1037956)
Item 24	October 16, 2012	(1060922)
Item 25	November 16, 2012	(1060923)
Item 26	December 13, 2012	(1060924)
Item 27	January 17, 2013	(1078996)
Item 28	January 24, 2013	(1053366)
Item 29	February 18, 2013	(1078995)
Item 30	March 14, 2013	(1089322)
Item 31	April 17, 2013	(1095716)
Item 32	May 16, 2013	(1106641)
Item 33	May 21, 2013	(1087756)
Item 34	May 24, 2013	(1093717)
Item 35	June 11, 2013	(1110317)
Item 36	June 27, 2013	(1100301)
Item 37	July 23, 2013	(1117201)
Item 38	August 19, 2013	(1124957)
Item 39	September 19, 2013	(1129557)
Item 40	October 22, 2013	(1135287)
Item 41	November 17, 2013	(1140686)
Item 42	November 27, 2013	(1133673)
Item 43	December 03, 2013	(1124249)
Item 44	December 11, 2013	(1147145)
Item 45	January 15, 2014	(1153214)
Item 46	February 12, 2014	(1160549)
Item 47	March 13, 2014	(1152683)
Item 48	March 18, 2014	(1167194)
Item 49	April 02, 2014	(1157377)
Item 50	April 04, 2014	(1158529)
Item 51	April 20, 2014	(1174327)

Item 52	May 05, 2014	(1164241)
Item 53	May 14, 2014	(1180515)
Item 54	May 15, 2014	(1165657)
Item 55	June 06, 2014	(1171289)
Item 56	June 20, 2014	(1187413)
Item 57	July 21, 2014	(1198575)
Item 58	July 23, 2014	(1173822)
Item 59	August 17, 2014	(1198576)
Item 60	September 05, 2014	(1185738)
Item 61	September 15, 2014	(1205818)
Item 62	September 29, 2014	(1193474)
Item 63	October 10, 2014	(1212230)
Item 64	November 06, 2014	(1218482)
Item 65	November 20, 2014	(1209552)
Item 66	December 19, 2014	(1224261)
Item 67	January 12, 2015	(1217716)
Item 68	January 14, 2015	(1210703)
Item 69	January 16, 2015	(1230788)
Item 70	February 12, 2015	(1242298)
Item 71	February 25, 2015	(1227819)
Item 72	March 10, 2015	(1248627)
Item 73	March 17, 2015	(1229968)
Item 74	May 20, 2015	(1217885)
Item 75	May 29, 2015	(1252824)
Item 76	June 16, 2015	(1269406)
Item 77	July 14, 2015	(1276952)
Item 78	July 31, 2015	(1267812)
Item 79	August 06, 2015	(1268059)
Item 80	September 01, 2015	(1273935)
Item 81	September 03, 2015	(1274093)
Item 82	September 14, 2015	(1276162)
Item 83	October 12, 2015	(1296472)
Item 84	November 17, 2015	(1301925)
Item 85	November 19, 2015	(1289636)
Item 86	December 14, 2015	(1308853)
Item 87	December 16, 2015	(1296101)
Item 88	January 19, 2016	(1315637)
Item 89	February 17, 2016	(1308631)
Item 90	March 01, 2016	(1312192)
Item 91	March 03, 2016	(1308699)
Item 92	March 04, 2016	(1312842)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 03/31/2015 (1255527)	CN600128284	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
2	Date: 04/09/2015 (1240354)	CN600128284	
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 115, SubChapter D 115.354(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 12 OP Special Condition 1A OP Special Condition 3 PERMIT		

Description: Failure to ensure the relief valve was properly monitored. (Category C7)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 1 PERMIT
General Terms and Conditions OP
Special Condition 12 OP

Description: Failure to maintain production rates. (Category B19g1)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 113, SubChapter C 113.890
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2450(e)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.982(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.987(a)
5C THSC Chapter 382 382.085(b)
General terms and Conditions OP
Special Condition 12 OP
Special Condition 1A OP
Special Condition 4 PERMIT
Special Condition 6C PERMIT
Special Condition 8 OP

Description: Failure to control visible emissions from a gas flare. Category B19g1

3 Date: 04/30/2015 (1262237) CN600128284
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

4 Date: 06/10/2015 (1252826) CN600128284
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to submit an Annual Compliance Certification (ACC) and Semi-Annual Deviation Report (SDR) within the required 30 day time frame.

5 Date: 07/28/2015 (1252635) CN600128284
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15(d)
PP II.C.1.k. PERMIT
PP II.C.2.a. PERMIT
PP III.D PERMIT
Description: Failure to maintain inspection logs for emergency equipment.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(2)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.33
PP III.D PERMIT
Description: Failure to conduct Fume Alarm testing as required.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15(d)
PP II.C.1.k. PERMIT
PP II.C.2.a. PERMIT
PP II.D. PERMIT
Description: Failure to maintain adequate (e.g., no time) inspection records for the Self Contain Breathing Apparatus (SCBA) at the N.E. corner of the permitted West Pad Container Storage Area (TCEQ Unit No.). Also, the monthly inspection field tags were only maintained for current calendar year.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
30 TAC Chapter 335, SubChapter E 335.112(a)(8)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173

Description: Failure to maintain the hazardous waste container closed.

- 6 Date: 07/31/2015 (1283129) CN600128284
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 08/19/2015 (1267802) CN600128284
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter B 111.205(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085
General Terms and Conditions OP
Special Condition 3D(i) OP
Description: Failure to notify the TCEQ Regional office 24 hours prior to conducting fire extinguisher training.
- 8 Date: 08/31/2015 (1290268) CN600128284
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 9 Date: 10/14/2015 (1276068) CN600128284
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 6A PERMIT
Special Term & Condition 11 OP
Description: Failure to ensure the CDG Flare British Thermal Units (BTUs) value was maintained.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 13 PERMIT
Special Term & Condition 11 OP
Description: Failure to maintain the Regenerative Thermal Oxidizer (RTO) temperature.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Description: Failure to ensure the relief valve was properly monitored.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 3(E) PERMIT
Special Condition 4 PERMIT
Special Term & Condition 11 OP
Special Term & Condition 1A OP
Description: Failure to maintain a sealing device on an open-ended line.
- 10 Date: 12/01/2015 (1282914) CN600128284
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
5C THSC Chapter 382 382.085(b)

General Terms and Conditions OP
Special Condition 12 OP
Special Condition 1A OP

Description: Failure to conduct carbon bed monitoring on a daily basis, when in operation.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 13 OP
Special Condition 9I PERMIT

Description: Failure to complete repairs on leaking equipment or to place them on the Delay of
Repair list within 15 days.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 13 OP
Special Condition 8 PERMIT

Description: Failure to monitor for conductivity continuously at the cooling tower.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 13 OP

Description: Failure to ensure emissions did not exceed the emission limits set forth in the
MAERT.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 12 OP

Description: Failure to observe opacity from a stationary vent.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 9E PERMIT

Description: Failure to maintain a line with a cap, blind flange, plug, or a second valve in VOC
service.

F. Environmental audits: N/A

G. Type of environmental management systems (EMSs): N/A

H. Voluntary on-site compliance assessment dates: N/A

I. Participation in a voluntary pollution reduction program: N/A

J. Early compliance: N/A

Sites Outside of Texas: N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
E. I. DU PONT DE NEMOURS
AND COMPANY
RN100542711**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2016-0464-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding E. I. du Pont de Nemours and Company (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical plant located at 3055 Farm-to-Market Road 1006 in Orange, Orange County, Texas (the "Plant"). The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$7,938 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$3,176 of the penalty and \$1,587 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$3,175 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment

A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On December 11, 2015, reviewed the Plant's Environmental Reporting Procedure with appropriate personnel to ensure staff are aware of the 24-hour reporting window for reportable emissions events; and
 - b. On May 12, 2016, implemented a scheduled maintenance program in order to prevent a recurrence of emissions events due to the same cause as Incident No. 224250.
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
8. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During a record review conducted on February 8, 2016, an investigator documented that the Respondent:

1. Failed to submit an initial notification for Incident No. 224250 no later than 24 hours after the discovery of the emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. O2074, Special Terms and Conditions ("STC") No. 2F. Specifically, the initial notification was due by December 9, 2015 at 3:20 p.m., but was not submitted until December 11, 2015 at 2:59 p.m.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b),

New Source Review Permit No. 914, Special Conditions No. 1, and FOP No. O2074, STC No. 13. Specifically, the Respondent released 33 pounds of benzene from the American Petroleum Institute ("API") Separator Vent System during an emissions event (Incident No. 224250) that began on December 8, 2015 and lasted for 22 hours and two minutes. The event occurred when the flow through the vent lines from the API Separator to the control devices was restricted. Since the emissions event was reported late, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E. I. du Pont de Nemours and Company, Docket No. 2016-0464-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph 4. The amount of \$3,175 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the

Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director

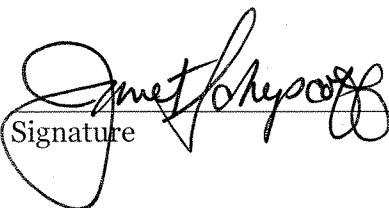
9.22.16
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

7-7-16
Date

JANET SCHEPCOFF
Name (Printed or typed)
Authorized Representative of
E. I. du Pont de Nemours and Company

SITE MANAGER
Title

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Order.

☐ If mailing address has changed, please check this box and provide the new address below:

Attachment A
Docket Number: 2016-0464-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E. I. du Pont de Nemours and Company
Payable Penalty Amount:	\$6,351
SEP Offset Amount:	\$3,175
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	Meteorological and Air Monitoring Network
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Meteorological and Air Monitoring Network* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network that includes nine compliance assurance monitoring ("CAM") stations currently at the following locations:

- Beaumont CAM#2
- Cove School CAM #C695
- Mauriceville CAM#642
- Port Arthur (Motiva) Industrial Site CAM #C628
- Port Arthur Memorial High School campus CAM #C689
- Port Neches CAM #136
- Sabine Pass CAM #C640
- Southeast Texas Regional Airport CAM #C643
- West Orange CAM #C9

E. I. du Pont de Nemours and Company
Agreed Order - Attachment A

Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Particulate matter, sulfides, oxides of nitrogen, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

E. I. du Pont de Nemours and Company
Agreed Order - Attachment A

Southeast Texas Regional Planning Commission
Attention: Bob Dickinson, Director
2210 Eastex Freeway
Beaumont, Texas 77703-4929

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.